

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED ANDREW MARTIN,

Plaintiff,

v.

D. CASTILLO, et al.,

Defendants.

Case No. 1:22-cv-00002-DAD-SAB (PC)

ORDER TERMINATING ACTION
PURSUANT TO PLAINTIFF'S MOTION
TO DISMISS

(ECF No. 33)

Plaintiff Jared Andrew Martin is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion to dismiss the action, filed August 1, 2022. (ECF No. 33.)

"[U]nder Rule 41(a)(1)(A)(i), plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment." Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and citation omitted). "[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can't complain, and the district court lacks jurisdiction to do anything about it." Id. at 1078.

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1 Here, no Defendant has been served in this action and no Defendant has filed an answer
2 or motion for summary judgment. Accordingly, this action is terminated by operation of law
3 without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of Court shall
4 close this case.

5
6 IT IS SO ORDERED.

7 Dated: August 18, 2022


UNITED STATES MAGISTRATE JUDGE